

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2128.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	May 11, 2004
DATE OF REPORT:	June 8, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 28, 2004

**COMPLAINT ISSUES:**

Whether the Benton Community School Corporation and the Cooperative School Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to:

- a. provide the required amount of speech therapy; and
- b. implement the student's health plan.

**FINDINGS OF FACT:**

1. The Student is twelve years old and is eligible for special education and related services as a student with a learning disability.
2. As written in the April 17, 2003, IEP, the Student will receive speech therapy twice a week, twenty minutes per session, during the 2003-2004 school year. The Student's April 26, 2004, IEP states that beginning April 26, 2004, and ending April 26, 2005, the Student will receive speech once a week for twenty minutes each session. Based on the School's speech log, entitled "Dates of Service for [Student]," the Student did not receive a minimum of 900 minutes of speech therapy during the 2003-2004 school year.
3. The Student has an individualized healthcare plan, dated October 3, 2002. The healthcare plan denotes that an aide will accompany the Student to all classrooms and up and down the stairs. If the aide is not available another adult or student will walk with the Student. The Complainant alleges that the School failed to provide someone to walk with the Student up and down the stairs. The School did not provide documentation to show whether or not someone accompanied the Student up and down the stairs.

**CONCLUSION**

Finding of Fact #2 indicates the School failed to provide 900 minutes of the required speech therapy to the Student. Therefore, a violation of IAC 511 7-27-7(a) is found with regard to implementing the required amount of speech services. Finding of Fact #3 indicates the School did not provide documentation to show whether or not the Student was accompanied up and down the stairs. Therefore, a violation of 511 IAC 7-27-7(a) is found with regard to failure to implement the Student's individualized healthcare plan.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Benton Community School Corporation and the Cooperative School Services shall:

convene a case conference committee meeting to identify the amount of compensatory speech therapy the Student needs and to develop a schedule of how the compensatory speech therapy will be implemented (length, frequency, and duration). The schedule must include when the compensatory speech therapy will be provided, how long each session will be, and who will provide the therapy. Discuss the implementation of the Student's healthcare plan, specifically, someone walking with the Student to class and up and down the stairs. If this remains in the IEP, submit an assurance letter to the Division no later than September 10, 2004, stating that the Student will be accompanied to class as required by the individualized healthcare plan.

Submit to the Division no later than September 10, 2004, copies of the following: IEP; case conference committee notes; make up schedule for compensatory speech therapy; and an assurance letter stating that the Student will receive compensatory speech therapy.